

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

P.C. RICHARD & SON LONG ISLAND CORP.
Plaintiff,

v.

SHOEMAKER CONSTRUCTION CO.
Defendant.

Civil Action No. 09-2579

STIPULATION AND ORDER OF DISMISSAL

Plaintiff, P.C. Richard & Son Long Island Corp. ("P.C. Richard") and Defendant, Shoemaker Construction Co. ("Shoemaker"), by and through their undersigned attorneys, hereby jointly notify the Court that the above captioned action ("Action") has been settled by agreement of the parties. Pursuant to Local R.Civ.P. 41.1(b), the parties hereby request the entry of an order dismissing the Action, with prejudice, without costs, and with each party to bear its own attorneys fees and expenses.

Respectfully submitted,

/s/ Mark F. Himsorth
**HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN, PC**
Mark F. Himsorth
375 Morris Road
P.O. Box 1479
Lansdale, PA 19446-0773

*Counsel for P.C. Richard & Son Long Island
Corp.*

Respectfully submitted,

/s/ James D. Hollyday
PEPPER HAMILTON, LLP
James D. Hollyday
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799

Counsel for Shoemaker Construction Co.

Dated: January 25, 2010

SO ORDERED, this ____ day of January, 2010.

Anita B. Brody, J.

CERTIFICATE OF SERVICE

I, James D. Hollyday, hereby certify that on January 25, 2010, a true and correct copy of the foregoing Stipulation and Order was filed electronically and is available for viewing and downloading via the ECF System. The document was also served via email upon the following:

Mark F. Himsworth, Esquire
HAMBURG, RUBIN, MULLIN, MAXWELL & LUPIN, PC
375 Morris Road
P.O. Box 1479
Lansdale, PA 19446-0773

/s/ James D. Hollyday

James D. Hollyday